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Order 2003-7-2



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 2nd day of July, 2003

Essential Air Service at

VICTORIA, TEXAS

under 49 U.S.C. 41731 *et seq.*

Served: July 8, 2003

Docket OST-2003-14604 - 39

ORDER EXTENDING SERVICE OBLIGATION

Summary

By this order, the Department of Transportation extends the service obligation of ExpressJet Airlines, Inc., d/b/a Continental Express (ExpressJet), at Victoria, Texas, for an additional 30 days, through August 20, 2003.

Background

On February 26, 2003, ExpressJet filed a 90-day notice of its intent to suspend its unsubsidized service at Victoria, effective May 31, 2003. By Order 2003-4-2, April 1, 2003, the Department prohibited ExpressJet from suspending service beyond the end of its 90-day notice period, through June 20, 2003, and requested proposals, with subsidy if necessary, from carriers interested in providing replacement service. As required by 49 U.S.C. 41734, we have extended ExpressJet's service obligation for additional 30-day periods, the latest through July 21, 2003, by Order 2003-6-6.

By Order 2003-6-34, June 26, 2003, the Department selected SkyWest Airlines to provide service at Victoria for a two-year period at an annual subsidy rate of \$464,869. The carrier expects to begin service on or about August 1. In the meantime, and in accordance with 49 U.S.C. 41734(c), we must extend ExpressJet's service obligation at Victoria for an additional 30 days, or until SkyWest's replacement service actually begins, whichever occurs first.

This order is issued under authority assigned in 14 CFR 385.12(k)(5).

ACCORDINGLY,

1. We require ExpressJet, Inc., to maintain essential air service at Victoria, Texas, consisting of 12 nonstop round trips a week to Houston, for an additional 30-day period through August 20, 2003, or until replacement service actually begins, whichever occurs first;¹
2. We direct ExpressJet to retain all books, records, and other source and summary documentation to support subsidy claims for payment, and to preserve and maintain such documentation in a manner that readily permits its audit and examination by representatives of the Department. Such documentation shall be retained for seven years or until the Department indicates that the records may be destroyed. Copies of flight logs for aircraft sold or disposed of must be retained. The carrier may forfeit its compensation for any claim that is not supported under the terms of this order;
3. Docket OST-2003-14604, will remain open until further order of the Department; and
4. We will serve a copy of this order on the Mayor and Airport Manager of Victoria, and ExpressJet Airlines.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.50, must file such petitions within ten (10) days after the date of service of this order.

This order will be effective immediately, and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*

¹ In accordance with 49 U.S.C. 41734(c), we will extend ExpressJet's service obligation for successive 30-day periods, as necessary, until replacement service actually begins.